IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Civil Revision Application No. 49 of 2006
[Rameshwar Dayal Richpal Agrawal Vs. Smt. Vimlabai T. Agrawal]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. V.V. Deo, Advocate for the Applicant.
None for the respondent sole, though served.

CORAM : A.H. JOSHI, J.

DATE : 22nd November,2007.

1. Heard.

2. The petitioner's grievance is that the Court ought not to have dismissed the petitioner's application raising an objection to the valuation.

3. The findings recorded in the impugned order, which read as follows:-

> 2. ....Though defendant has claimed that the valuation of the suit property is more than Rs.60,000/-, but he failed to prove the market value of the suit property. He has filed one valuation report of one Sanghi Engineer below Article 'A' showing the valuation of the suit property of Rs.71,31,500/-.
>
> The defendant has not examined said witness. Therefore, said valuation

report is not proved on record.

> **There is dispute about lease hold right and the present suit is for cancellation of relinquishment or sale-deed. The plaintiff has valued the suit of Rs.8800/-. It appears that the valuation of the plaintiff is based on the document for which cancellation the suit is filed. As the defendant failed to show the exact valuation of the property, hence I think the valuation given by the plaintiff is correct. Hence I answer point no.1 in the affirmative and accordingly objection of the defendant is disposed off. ,**

duly demonstrate that while plaintiff proved valuation according to her claim, the defendant refrained from proving his objection.

4. The Judgment based on the situation, that was obtained on record is, therefore, a product of present petitioner's failure to avail of opportunity to prove his objection.

6. In the circumstances, the order impugned cannot be faulted as erroneous, based on insufficient evidence or contrary to material on record. No interference is called for. Revision Application is accordingly dismissed.

Judge

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